

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

IN RE: ZETIA (EZETIMIBE) ANTITRUST
LITIGATION

MDL No. 2:18-md-2836

THIS DOCUMENT RELATES TO:
ALL DIRECT PURCHASER ACTIONS

**DECLARATION OF THOMAS M. SOBOL IN SUPPORT OF DIRECT PURCHASER
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Thomas M. Sobol, hereby declare as follows:

1. I am a member of the bar of the Supreme Judicial Court of the Commonwealth of Massachusetts and of the United States District Court for the District of Massachusetts and have been admitted *pro hac vice* to this Court.¹ I am the managing partner of the Boston office of Hagens Berman Sobol Shapiro LLP, counsel for plaintiff FWK Holdings LLC ("FWK") and interim lead counsel for the putative direct purchaser class in this matter.

2. I submit this declaration in support of the direct purchaser class plaintiffs' Motion for Class Certification.

3. Attached hereto are true and accurate copies of the following exhibits cited in the Motion for Class Certification:

| Exhibit No. | Description |
|------------------------|---|
| Exhibit 1 | Declaration of Jeffrey Leitzinger Ph.D., dated November 18, 2019. |

¹ See Order Granting Motion to Appear *Pro Hac Vice* by Thomas M. Sobol, January 24, 2018, ECF No. 6.

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| Exhibit 2 | Document MRKZETIA SIDLEY000129955, FDA Approval Letter, dated October 25, 2002. |
| Exhibit 3 | Document SPV-PATAAT019984, Press Release from Merck, dated August 13, 2004. |
| Exhibit 4 | Document GLENMARK-ZETIA-0014842, Glenmark Abbreviated New Drug Application, dated October 25, 2006. |
| Exhibit 5 | Document GLENMARK-ZETIA-00265422, Glenmark Paragraph IV letter, dated January 23, 2015. |
| Exhibit 6 | Document GLENMARK-ZETIA-00056715, Distribution Agreement. |
| Exhibit 7 | Document GLENMARK-ZETIA-00242734, Settlement Agreement. |
| Exhibit 8 | Document MRKZETIA_R000061858, email from Vijay Soni to Paul Matukaitis, dated February 26, 2010. |
| Exhibit 9 | Document GLENMARK-ZETIA-00201568, email from Terrance Coughlin to Glenn Saldanha, dated May 11, 2010. |
| Exhibit 10 | An excerpt of the October 15, 2019 deposition of Timothy Hester. |
| Exhibit 11 | An excerpt of the October 18, 2019 deposition of Paul Matukaitis. |
| Exhibit 12 | Document MRKZETIA000874087, letter from Lisa A. Jakob addressed to Glenmark's Chief IP Counsel, dated June 8, 2016. |
| Exhibit 13 | Document MRKZETIA000614647, letter from Brian Hirsch addressed to Lisa A. Jakob, dated July 21, 2016. |
| Exhibit 14 | Document GLENMARK-ZETIA-00261523-24, email from Achin Gupta to Glenn Saldanha, dated May 12, 2010. |
| Exhibit 15 | Document GLENMARK-ZETIA-00261530-34, email from Achin Gupta, dated May 11, 2010. |
| Exhibit 16 | Document GLENMARK-ZETIA-00261273-328, email from Achin Gupta, dated May 28, 2010. |
| Exhibit 17 | Document GLENMARK-ZETIA-00435581, Summary of Assessment of Ezetimibe Settlement Agreement, dated May 10, 2010. |
| Exhibit 18 | Document MRKZETIA000509809, Merck-Prasco Supply and Distribution Agreement for Authorized Generic Zetia, dated October 20, 2016. |
| Exhibit 19 | Excerpts of the September 26, 2019 deposition of David Pakula. |
| Exhibit 20 | Document MRKZETIA000511408, Merck-Prasco Supply Team Meeting Minutes, dated April 19, 2017. |

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| Exhibit 21 | Document MRKZETIA000510456, email from Jennifer Greenberg to David Pakula, dated October 19, 2017. |
| Exhibit 22 | Excerpts of the August 14, 2019 deposition of Thomas Kolschowsky. |
| Exhibit 23 | Document FWK-ZETIA-0000004-19, marked as exhibit 15 at the deposition of Thomas Kolschowsky. |
| Exhibit 24 | Excerpts of the September 10, 2019 deposition of Michael Stahelin. |
| Exhibit 25 | Notice of 30(b)(6) Deposition, dated June 6, 2019. |
| Exhibit 26 | Document MRKZETIA000510501-504, email discussing forecast for Merck AG, dated January 27, 2016. |
| Exhibit 27 | Document MRKZETIA000509917, projections regarding April versus June AG Launch. |
| Exhibit 28 | Document of the Federal Trade Commission Staff Study, <i>Pay-for-Delay: How Drug Company Pay-Offs Cost Consumers Billions</i> , dated January 2010. |
| Exhibit 29 | Document by IMS Consulting, <i>Report to PhRMA, Assessment of Authorized Generics in the U.S.</i> 16 (2006) |
| Exhibit 30 | Document PAR_00002319, internal Par PowerPoint presentation |
| Exhibit 31 | Document PAR_00004800, email from Paul Campanelli, dated February 29, 2010. |
| Exhibit 32 | Direct Purchaser Class Plaintiffs' Proposed Trial Plan |

Dated: November 18, 2019

Thomas M. Sobol
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Dated: November 18, 2019

/s/ William H. Monroe, Jr

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CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record who have made a formal appearance.

Dated: November 18, 2019

/s/ William H. Monroe, Jr.
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